

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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Mr. Javaar Tyrone Grayson-Bey
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Mr. T. Joseph Seward
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Re: Case No. 21-1021, *Javaar Grayson-Bey v. Southfield Police Department, et al*
Originating Case No. : 2:19-cv-13588

Dear Counsel and Mr. Grayson-Bey,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Ryan E. Orme
Case Manager
Direct Dial No. 513-564-7079

cc: Ms. Kinikia D. Essix

Enclosure

No. 21-1021

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAVAAR TYRONE GRAYSON-BEY,

Plaintiff-Appellant,

v.

SOUTHFIELD, MI POLICE DEPARTMENT, et
al.,

Defendants-Appellees.

FILED
Aug 02, 2021
DEBORAH S. HUNT, Clerk

O R D E R

Before: SILER, Circuit Judge.

Javaar Tyrone Grayson-Bey, a Michigan resident proceeding pro se, moves this court to grant him permission to proceed in forma pauperis in his appeal from the district court's judgment granting the defendants' motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. *See* Fed. R. App. P. 24(a)(5).

In December 2019, Grayson-Bey filed this lawsuit against the Southfield (Michigan) Police Department and three of its officers—Swade Fox, David Moore, and Michael Wojciechowski—for allegedly violating his rights under the Fourth Amendment to the United States Constitution and the Treaty of Peace and Friendship of 1787. According to Grayson-Bey, he was driving down a street in Detroit, when Officer Fox pulled him over and ordered him out of his car. He allegedly told Officer Fox, “my son . . . [is] in the back seat of the car and . . . my name is Grayson-Bey and I’m a moor-American.” He also provided Officer Fox with his “moors traveler card” upon being asked for his identification or drivers’ license. Grayson-Bey alleged that Officer Fox, with the help of Officer Moore, then placed him in handcuffs. One of the officers then placed him in the back of a police car and instructed him to call his son’s mother to have her come to the scene and pick up their son. Grayson-Bey was subsequently taken to jail and his car was impounded. At the jail, Officer Wojciechowski allegedly informed Grayson-Bey that he had been arrested for “flee[ing] and eluding” and that he was being charged with “misrepresentation” because his name

No. 21-1021

- 2 -

was fake. Grayson-Bey sought \$1.2 million in damages, claiming that the entire incident had traumatized his son and caused him significant financial hardship.

The defendants filed a Rule 12(c) motion for judgment on the pleadings, arguing that Grayson-Bey's claim based on an alleged violation of his rights as a Moorish American under the Treaty of Peace and Friendship of 1787 was "facially frivolous." They also argued that Grayson-Bey had failed to state a plausible claim for relief under the Fourth Amendment because his detainment and subsequent arrest were supported by reasonable suspicion and probable cause, respectively. Over Grayson-Bey's objections, the district court adopted the magistrate judge's recommendation to grant the defendants' Rule 12(c) motion and dismiss Grayson-Bey's complaint. The district court also certified, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from its decision could not be taken in good faith.

When a district court has certified that a party's appeal is not taken in good faith, the plaintiff may file a motion in this court for leave to proceed in forma pauperis. Fed. R. App. P. 24(a)(5). This court will grant an in forma pauperis motion only if it is persuaded that the appeal is being taken in good faith, i.e., that the issues to be raised are not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962). An appeal is frivolous if it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Callihan v. Schneider*, 178 F.3d 800, 804 (6th Cir. 1999). This court should grant an in forma pauperis motion where the claims on appeal deserve "further argument or consideration." *Coppedge*, 369 U.S. at 454.

For the reasons stated by the district court, Grayson-Bey's appeal appears to lack an arguable basis in law. The motion to proceed in forma pauperis is therefore **DENIED**. Unless Grayson-Bey pays the \$505 filing fee to the district court within 30 days of the entry of this order, this appeal will be dismissed for want of prosecution.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk